

# Agency 1

## Kansas Department of Administration

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### Article 2.—DEFINITIONS

**1-2-64. Probationary employee.** “Probationary employee” means any individual serving a probationary period pursuant to K.A.R. 1-7-4 (a) or (d). (Authorized by K.S.A. 75-3706 and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2946, 75-3707, and 75-3746; effective Sept. 25, 2009.)

**1-2-65. Probationary status.** “Probationary status” means the status of an employee serving a probationary period pursuant to K.A.R. 1-7-4 (a) or (d). (Authorized by K.S.A. 75-3706 and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2938, 75-2943, 75-2946, 75-3707, and 75-3746; effective May 1, 1979; amended Sept. 25, 2009.)

### Article 7.—PROBATIONARY PERIOD AND EMPLOYEE EVALUATION

**1-7-3. Probationary period required.** (a) The probationary period shall be considered as a working test of the employee’s ability to perform adequately in the position to which the employee was hired. In order to aid the agency in developing efficient employees, the supervisor shall give reasonable instruction and training that may be required throughout the probationary period. Each appointing authority shall establish procedures so that any problems with probationary employees will be brought to the attention of the agency management for appropriate action before the end of the probationary period.

(b) Before the end of the probationary period, the appointing authority shall provide the director

with results of a performance review for the employee. If the overall performance review rating given to a probationary employee before the end of the employee’s probationary period is unsatisfactory, the employee shall not be granted permanent status. The performance review ratings required by this subsection shall not be required to occur within the time period established in K.A.R. 1-7-10 (a)(3).

(c) Except as provided in K.A.R. 1-7-4, all new hires, promotions, and rehires shall be tentative and subject to a probationary period as authorized by K.A.R. 1-7-4. If the probationary period of an employee is to be extended as authorized by K.A.R. 1-7-4, the appointing authority, before the end of the probationary period, shall furnish the employee with a copy of the performance review stating that the probationary period is extended. Results of the performance review shall be provided to the director.

(d) Any probationary employee, other than an employee on probation due to a promotion from a position in which the employee had permanent status, may be dismissed by the appointing authority at any time during the probationary period.

(e) This regulation shall be effective on and after October 1, 2009. (Authorized by K.S.A. 75-3706 and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2946, 75-3707, and 75-3746; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended June 5, 2005; amended Oct. 1, 2009.)

### **1-7-4. Duration of probationary period.**

(a) Each new hire and each rehire made on a basis

other than reemployment or reinstatement who is employed in a regular position shall be subject to a probationary period of six months. This probationary period may be extended by the appointing authority for not more than six additional months if action to extend the probationary period is taken before the end of the original six-month probationary period. A probationary period of not more than 12 months may be established by the appointing authority if specific training or certification requirements for a position cannot be completed within six months.

(b) Each employee who is promoted shall be subject to a probationary period of not less than three months and not more than six months as determined by the appointing authority. However, a probationary period of not more than 12 months may be established by the appointing authority if specific training or certification requirements for a position cannot be completed within six months. Each employee with permanent status who serves a probationary period in accordance with this subsection shall retain permanent status throughout the probationary period.

(c) Each person rehired on the basis of reemployment shall have permanent status effective on the date of rehire.

(d) Each person rehired on the basis of reinstatement shall be subject to a probationary period of not less than three months and not more than six months as determined by the appointing authority.

(e) Time on leave with or without pay of more than 30 consecutive calendar days shall not count towards total time served on probation. The employee's probationary period shall be continued effective with the employee's return from leave until the total probation time served equals the time required for the position.

(f) Each employee with permanent status who is transferred from one agency to another, or transferred within the same agency, shall continue to have permanent status.

(g) If a probationary employee is transferred from one position in a class to another position in the same class or another class in the same pay grade, the transfer shall have no effect on the employee's probationary period. The probationary period may be extended by the appointing authority for not more than six additional months by giving written notice of the extension to the employee and director before the expiration of the original six-month probationary period.

(h) Each employee who is transferred, demoted, or promoted from any position in the unclassified service to a regular position in the classified service shall serve a probationary period of six months.

(i) Persons serving in temporary positions shall not be subject to a probationary period.

(j) Each employee in a governor's trainee position or a position in a training classification shall be placed on probation for six months when promoted to the regular class at the end of the training period.

(k) This regulation shall be effective on and after October 1, 2009. (Authorized by K.S.A. 75-3706 and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2946, 75-3707, and 75-3746; effective May 1, 1983; amended May 1, 1985; amended Dec. 27, 1993; amended Dec. 17, 1995; amended Oct. 1, 2009.)

**1-7-6. Notices relating to probationary periods and extensions.** (a) Before the expiration of each employee's probationary period, a performance review shall be completed and a rating shall be assigned, and the appointing authority shall notify the employee and the director in writing of one of the following:

(1) The employee has been dismissed or demoted.

(2) The probationary period is being extended, if extension is permissible under the provisions of K.A.R. 1-7-4.

(3) The employee is being given permanent status.

(b) If a probationary employee has not been notified in accordance with subsection (a) by the end of any probationary period, the employee shall be deemed to have been given permanent status. In case of dispute as to whether the employee was notified, a determination shall be made by the director. (Authorized by K.S.A. 75-3706 and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2946, 75-3707, and 75-3746; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 17, 1995; amended Sept. 25, 2009.)

**1-7-7. Dismissal of probationary employee by director.** The director may dismiss a probationary employee at any time during the employee's probationary period, after giving the employee notice and an opportunity to be heard, if the director finds that the employee was ap-

pointed as a result of a violation of the provisions of the act or these regulations. (Authorized by K.S.A. 75-3706 and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2946, 75-3707, and 75-3746; effective May 1, 1983; amended Sept. 25, 2009.)

**1-7-10. Performance reviews.** (a) Each agency's appointing authority shall implement the state performance management process that was developed in accordance with L. 2008, Ch. 159, Sec. 1 and shall ensure that performance reviews are conducted in accordance with this process for each employee in the classified service. The performance review shall be used to inform employees of their expected performance outcomes and to assess the effectiveness of each employee.

(1) The performance review of each employee shall be completed by the employee's immediate supervisor or, if the employee's immediate supervisor has not supervised the employee for at least 90 days, by another qualified person designated by the appointing authority. "Qualified person" shall mean a person who is familiar with the duties and responsibilities of the employee's position and has significant knowledge of the job performance of the employee.

(2) A performance review shall be completed and a rating assigned at least annually in the manner required and on the forms prescribed by the director. An agency may add additional, job-related performance criteria and measures to the forms prescribed by the director, as determined by the appointing authority.

(3) Performance ratings for all permanent employees shall be assigned on an annual basis within the period beginning October 1 and ending December 31.

(4) Midyear reviews for all permanent employees shall be conducted on an annual basis within the period beginning April 1 and ending June 30.

(5) The appointing authority may conduct a special performance review rating for any employee at any time, unless prohibited under K.A.R. 1-14-8 due to pending layoffs.

(6) Each employee who receives an unsatisfactory rating on either of the essential requirements set out on the form prescribed by the director shall have an overall performance review rating of unsatisfactory.

(7) Each employee shall be given the opportunity to sign the employee's performance review

as evidence that the employee has been informed of the performance review rating. The employee's signature shall not abridge the employee's right of appeal if the employee disagrees with the rating. The failure of the employee to sign the performance review shall not invalidate the rating.

(b)(1) Any employee entitled to appeal a rating under K.A.R. 1-7-11 may do so within seven calendar days after being informed of the rating. After the period of seven calendar days for filing appeals has expired and if no appeal has been filed, the appointing authority or the authority's designee shall review the rating, make any changes deemed necessary, sign the performance review, place the entire original performance review in the employee's official personnel file, and provide a copy of the review to the employee. In addition, the appointing authority may provide copies to each reviewer if the appointing authority deems necessary.

(2) If the appointing authority makes any change in the rating or adds any comment on the performance review, the review shall be returned to the employee to be signed again, and the employee, if eligible to appeal the rating, shall again have seven calendar days to file an appeal to the appointing authority. The final results of the performance review shall be reported to the director.

(c) Subject to the provisions of K.S.A. 75-2949e and amendments thereto, two performance review ratings of less than meets expectations that are conducted within 180 days may be utilized as a basis for demotion, suspension, or dismissal of the employee.

(d) If the overall performance review rating assigned to a probationary employee at the end of the employee's probationary period is unsatisfactory, the employee shall not be granted permanent status.

(e) This regulation shall be effective on and after October 1, 2009. (Authorized by K.S.A. 75-2943, K.S.A. 75-3706, and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2949e, 75-3706, and 75-3746; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; amended Dec. 17, 1995; amended June 5, 2005; amended Oct. 1, 2009.)

**1-7-11. Employees entitled to appeal performance reviews.** (a) Any employee who receives a performance rating that is lower than

the highest possible rating may appeal that rating if the employee meets either of the following conditions:

(1) The employee has permanent status, including an employee with permanent status who is serving a probationary period due to a promotion.

(2) The employee is serving a probationary period due to a rehire on the basis of reinstatement.

(b)(1) If an action concerning the end of probationary status is dependent upon the performance review, the appeal committee may make a recommendation to the appointing authority concerning whether or not to grant permanent status to the employee. However, the appointing authority shall have the right to make the determination of whether or not to grant permanent status, subject to whatever limitations are imposed by the performance rating of the performance review prepared by the appeal committee.

(2) Notwithstanding the limits on the duration of probationary periods established elsewhere in these regulations, the appointing authority may extend the probationary period for a limited period of time as necessary to allow the appeal committee to prepare the final performance review. The total amount of time of this extension shall not exceed 60 calendar days.

(3) The appointing authority shall report to the director each extension of a probationary period made pursuant to this regulation.

(c) This regulation shall be effective on and after October 1, 2009. (Authorized by K.S.A. 75-2943, K.S.A. 75-3706, and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2946, 75-3707, and 75-3746; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended Oct. 24, 1997; amended June 5, 2005; amended Oct. 1, 2009.)

**1-7-12. Performance review appeal procedure.** (a) (1) Each employee who is eligible to appeal a performance review under K.A.R. 1-7-11 may, within seven calendar days after the employee has been informed of the rating, submit an appeal in writing to the appointing authority.

(2) Within seven calendar days following receipt of the employee's written notice of appeal, the appointing authority shall have the option either to make any changes in the rating deemed appropriate or to appoint a committee of three or more persons to hear the appeal.

(3) If the appointing authority makes any change in the rating or adds any comments to the rating form, the rating form shall be returned to the employee to be signed again. The employee shall be informed that, if the employee disagrees with the revised performance review, the employee may, within seven calendar days, file an appeal in writing to the appointing authority. If the employee files an appeal of the revised review, the appointing authority shall, within seven calendar days following receipt of the employee's written notice of appeal, appoint a committee of three or more persons to hear the appeal.

(4) If an appeal committee is appointed to hear the appeal, persons shall be appointed who, in the appointing authority's judgment, will be fair and impartial in discharging their responsibilities. Before appointing the appeal committee, the appointing authority shall give the employee a reasonable opportunity for consultation on the matter of appointment of the appeal committee. The appeal committee shall not include the initial rater or raters. In general, the members of the appeal committee shall be officers or employees of the agency. However, the appointing authority may select one or more members of the committee from one or more other state agencies if the appointing authority determines that the objective of a fair and impartial hearing can best be served by doing so.

(b)(1) As soon as the committee has been appointed, the appointing authority shall notify the employee of the names of the members of the committee and the date, time, and place of the hearing.

(2)(A) Before the beginning of the hearing, the employee may object to any individual proposed to serve as a member of the committee in writing and shall include the reasons upon which the employee is basing the objection.

(B) The appointing authority shall make a determination either to deny the objection or to grant the objection and appoint another individual to the committee before the commencement of the hearing.

(C) The appointing authority shall inform the employee of the determination in writing.

(D) Each objection taken pursuant to this subsection and each determination regarding each objection shall be included as part of the documentation of the appeal.

(3) The appeal committee shall consider any relevant evidence that may be offered by the em-



ployee and the rater and shall make available to the employee any evidence that the committee may secure on its own initiative. The employee and rater shall have an opportunity to question any person offering evidence to the appeal committee. The appeal committee may limit the offering of evidence that it deems to be repetitious or irrelevant.

(4) Within 14 calendar days of the date the members of the committee were appointed, the committee shall prepare and sign a rating for the employee. That rating shall be final and not subject to further appeal. The appeal committee shall give the rating to the appointing authority, who, within five calendar days, shall provide copies to the employee and each person who originally rated the employee. The appeal committee shall report the rating to the director.

(5) If the appointing authority cannot appoint an appeal committee within the prescribed seven calendar days, the employee requests an extension of the time limit, or the appeal committee cannot make its rating within 14 calendar days of the date of its appointment, the appointing authority may extend these time limits for a reasonable period of time.

(c) This regulation shall be effective on and after October 1, 2009. (Authorized by K.S.A. 75-2943, K.S.A. 75-3706, and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2943, 75-3707, and 75-3746; effective May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended June 5, 2005; amended Oct. 1, 2009.)

#### **Article 9.—HOURS; LEAVES; EMPLOYEE-MANAGEMENT RELATIONS**

**1-9-5a. Limits on state leave payment reserve fund payouts.** (a) The amount of payout from the state leave payment reserve fund for accumulated vacation leave for any employee separating from state service due to retirement shall be limited to the accumulated hour limits specified in K.A.R. 1-9-4.

(b) The amount of payout from the state leave payment reserve fund for accumulated sick leave upon any employee's retirement shall be limited to the accumulated hour limits specified in K.S.A. 75-5517, and amendments thereto. (Authorized by K.S.A. 75-5545; implementing K.S.A. 75-5517, K.S.A. 2010 Supp. 75-5543, and K.S.A. 75-5544;

effective, T-1-6-30-11, June 30, 2011; effective Oct. 28, 2011.)

#### **Article 14.—LAYOFF PROCEDURES AND ALTERNATIVES TO LAYOFF**

##### **1-14-8. Computation of layoff scores.** (a)

A layoff score shall be computed by the appointing authority for each employee in the agency who has permanent status and who either is in a class of positions identified for layoff or could be affected by the exercise of bumping rights.

(b) Layoff scores shall be computed according to the formula  $A \times L$ , where A and L have the following values:

(1) A = the average performance review rating of the employee, as described in subsection (d); and

(2) L = the length of service, as defined in K.A.R. 1-2-46(a), expressed in months.

Length of service for a retired employee who has returned to work shall be calculated in accordance with K.A.R. 1-2-46 (g). The layoff scores shall be prepared in accordance with a uniform score sheet prescribed by the director.

(c) Layoff scores computed by the appointing authority shall be made available for inspection by each employee upon request at the time the agency gives written notice of a proposed layoff to the director and the secretary pursuant to K.A.R. 1-14-7. Upon request of any employee, the appointing authority shall review the manner in which the employee's score was calculated. Each dispute as to the proper calculation of a layoff score of any employee shall be resolved by the director.

(d) Except as otherwise authorized by this subsection, the performance review ratings used in computing the layoff score of an employee shall be the most recent ratings for the employee during the last five years up to and including five ratings, if the employee has as many as five ratings. However, a rating resulting from a special performance review that is given for a rating period ending within 90 calendar days of any notice of the layoff to the director shall not be counted. Performance reviews completed for rating periods ending on or after the date the appointing authority notifies the director in writing that a layoff is to occur shall not be considered in computing layoff scores; however, the appointing authority may designate a uniform earlier cutoff date to

identify which performance review ratings are to be used in computing layoff scores.

(1) For the purposes of calculating layoff scores in accordance with the formula established in subsection (b), for performance reviews conducted on or before September 30, 2009, a rating of exceptional shall have a value of five, a rating of satisfactory shall have a value of three, and a rating of unsatisfactory shall have a value of zero.

(2) For the purposes of calculating layoff scores in accordance with the formula established in subsection (b), for performance reviews conducted on or after October 1, 2009, a rating of exceptional shall have a value of five, a rating of exceeds expectations shall have a value of four, a rating of meets expectations shall have a value of three, a rating of needs improvement shall have a value of two, and a rating of unsatisfactory shall have a value of zero.

(3) If an employee does not have a total of five performance review ratings for use in computation of a layoff score, the layoff score shall be an average of the ratings that the employee has actually received.

(4) If an employee has no performance review ratings that may be used to compute a layoff score, the employee shall be deemed to have been given a single performance review rating of meets expectations, and the value of that rating shall be used to compute a layoff score. New hires and rehires employed on a basis other than reinstatement who are serving a probationary period and employees in training classes shall be subject to subsections (e), (f), and (g).

(5) In case of identical layoff scores, and if some, but not all, of the persons with the same score must be laid off, preference among these persons shall be given to any veteran, as defined in K.S.A. 73-201 and amendments thereto, and any orphan, as defined in this paragraph, in that order. For the purpose of this regulation, "orphan" shall mean a minor who is the child of a veteran who died while, and as a result of, serving in the armed forces.

If further ties remain, a method of breaking the ties shall be established by the secretary that is consistent with agency affirmative action goals and timetables for addressing underutilization of persons in protected groups. If further ties remain, preference in retention shall be given to the person with the greatest length of service as defined in K.A.R. 1-2-46. If a tie still exists, the next preference shall be given to the person with the

greatest length of service, as defined in K.A.R. 1-2-46, within that agency. If a tie still exists, the appointing authority shall be responsible for determining an equitable tie-breaking system.

(e) New hires and rehires with probationary status shall not be granted permanent status on or after the date the appointing authority has notified the director of a proposed layoff. However, any new hire or rehire with probationary status in a position for which no employee subject to layoff meets the required selection criteria may be given permanent status. New hires and rehires with probationary status shall have their probationary period extended until it is certain that no employee with permanent status whose position is to be vacated by layoff or who otherwise would be laid off through the exercise of bumping rights is claiming the position held by the employee with probationary status.

(f) Each employee serving a probationary period as a result of one of the following shall be considered to have permanent status for layoff purposes:

(1) Promotion of an employee who has permanent status;

(2) reallocation of a position if the incumbent has permanent status; or

(3) promotion from a classified position with at least six months of continuous classified service.

(g) Each employee who is in training status in a governor's trainee position, or in any identified training position, and who has at least six months of continuous service shall be considered to have permanent status for layoff purposes only.

(h) The layoff list shall be based on the order of the layoff scores. The person with the lowest layoff score shall be laid off first. If more than one person is to be laid off, the persons to be laid off shall be selected on the basis of the lowest layoff scores.

(i) This regulation shall be effective on and after October 1, 2009. (Authorized by K.S.A. 75-2943, K.S.A. 75-3706, and K.S.A. 2008 Supp. 75-3747; implementing K.S.A. 75-2943, 75-2948, 75-3707, and 75-3746; effective May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 27, 1993; amended Dec. 17, 1995; amended June 5, 2005; amended Oct. 1, 2009.)

## **Article 16.—TRAVEL REIMBURSEMENT**

### **1-16-8. Use of privately owned or operated conveyance, limitations; reimbursement**

**for transportation and subsistence expenses.**

(a) In-state travel. If the use of a privately owned or operated conveyance on official state business is authorized by the administrative head of the agency, reimbursement shall be on a mileage basis at the rate specified and under the limitations prescribed by K.A.R. 1-18-1a. Mileage shall be calculated in accordance with K.A.R. 1-17-11, except that storage or parking charges for a privately owned conveyance at any commercial transportation terminal, while the traveler is on an extended trip, and turnpike tolls, may be allowed in addition to this mileage allowance.

(b) Out-of-state travel.

(1) If the use of a privately owned or operated conveyance on official state business, instead of common carrier, is authorized by the administrative head of the agency, the traveler shall be allowed private conveyance mileage as prescribed by K.A.R. 1-18-1a to the destination, turnpike tolls, and parking charges, or an amount equal to economy class air fare to the air terminal nearest the destination, whichever is lesser. Out-of-state subsistence allowance shall be allowed only for the amount of time that would have been necessary had the traveler used the fastest public transportation available to the destination instead of a private conveyance. No taxi or terminal expenses shall be allowed at the destination. Air terminal shall be defined as the principal terminal in that general geographic area.

(2) If two or more travelers on official business travel in one privately owned conveyance instead of common carrier, the use of one conveyance may be authorized on a mileage basis. In such cases, the subsistence allowed shall be for the number of days the trip would take by car using the usually traveled route to the point of destination as provided in K.A.R. 1-17-11.

(3) Upon written, prior approval of the agency head, exceptions to this subsection may be granted in unusual circumstances if deemed to be in the best interest of the state.

(c) Exception. Nothing in this regulation shall apply to any person to whom K.S.A. 75-3212 and K.S.A. 75-3216, and amendments thereto, apply.

This regulation shall be effective on and after July 1, 2010. (Authorized by and implementing K.S.A. 2008 Supp. 75-3207; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended May 1, 1981; amended April 30, 1990; amended July 1, 2010.)

**1-16-15. Reduced allowances.** (a) Except as provided in subsection (d) of K.A.R. 1-16-18, each agency that desires to pay a reduced meals allowance or lodging expense shall obtain the prior approval of the secretary of administration. The agency shall submit a request on a form from the division of accounts and reports.

(b) The following instances of reduced allowances, which have been approved by the secretary of administration, shall not require the use of the approval form:

(1) If the agency conveys the following information to the employee in advance of the travel, the agency may handle subsistence payments as stated to the employee:

(A) The agency is not requiring its employee to undertake the travel in question; and

(B) the agency desires to not pay subsistence or desires to pay at a specified reduced rate.

(2) If the cost of meals is included within the cost of a registration fee or other fees and charges paid by the agency, the agency shall pay the applicable reduced subsistence allowance specified in subsection (d) of K.A.R. 1-16-18.

(3) If both meals and lodging will be provided at no cost to an agency's traveling employee, the agency shall be authorized to not pay any subsistence for this travel.

(4) If a traveling employee requests a specified reduced subsistence amount, the requested amount may be paid.

(c) Requests for approval of reduced subsistence allowances shall be based on reducing meals allowances and lodging expenses in multiples of a half dollar, and this reduced subsistence shall in all other respects be paid in accordance with applicable regulations and accounting procedures.

This regulation shall be effective on and after July 1, 2010. (Authorized by and implementing K.S.A. 2008 Supp. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended July 1, 2010.)

**1-16-18. Subsistence allowance.** (a) General provisions. Except as otherwise specifically provided by law, subsistence allowances for in-state and out-of-state travel shall be paid on the basis of a meals allowance and the actual cost of

lodging expenses incurred, within the limits set forth in this regulation.

(1) Meals allowance rates, including per-meal allowances, and lodging reimbursement limitation rates established in accordance with K.S.A. 75-3207a, and amendments thereto, shall be published in informational circulars of the division of accounts and reports. Rates shall be established for the following geographic areas or categories of travel:

(A) Travel to in-state destinations;

(B) travel to out-of-state destinations, exclusive of designated out-of-state, high-cost geographic areas;

(C) travel to out-of-state, designated high-cost geographic areas;

(D) travel to out-of-state, special designated high-cost geographic areas;

(E) international travel. As used in this regulation, "international travel" means travel outside the 50 states and the District of Columbia;

(F) travel involving conference lodging that qualifies under K.A.R. 1-16-18a(e); and

(G) other categories as the secretary of administration deems appropriate.

(2) Subject to the approval of the secretary of administration, any city in a state bordering or near Kansas may be designated as a "border city" by the director of accounts and reports. For travel by state personnel to a border city, all meals allowances and lodging expense limitations shall be applied at the appropriate in-state rate established in accordance with K.S.A. 75-3207a, and amendments thereto.

(b) Meals allowance; general provisions. Except as provided in subsection (c), the meals allowance shall be paid in an amount not to exceed rates established in accordance with K.S.A. 75-3207a, and amendments thereto.

(c) Meals allowance; exceptions.

(1) An exception to the meal allowance for international travel may be made at the option of the agency head or the agency head's designee by claiming actual expenses, subject to any daily limitation established in accordance with K.S.A. 75-3207a, and amendments thereto.

(2) If the cost of meals is included within the cost of registration fees or other fees and charges paid by the agency or is supplied without cost by another party, the meal allowance shall be reduced by the appropriate per-meal allowance established in accordance with K.S.A. 75-3207a, and amendments thereto.

(3)(A) Except as prohibited by paragraph (c)(3)(B), the agency head or the agency head's designee may authorize any employee who does not incur lodging expenses to be reimbursed for one meal on any day on which either of the following circumstances occurs:

(i) The employee is required to travel on official state business, and the employee's workday, including travel time, is extended three hours or more beyond the employee's regularly scheduled workday.

(ii) The employee is required to attend a conference or a meeting as an official guest or participant, and a meal is served during the required attendance time.

(B) No meals shall be reimbursed if the point at which the official business is conducted is within 30 miles of the employee's official station or if a meal is provided at no cost to the employee.

(C) Each request for reimbursement of a meal under paragraph (c)(3) shall identify the date, purpose, destination, and time of the travel, conference, or meeting, and the meal requested for reimbursement.

(D) Each employee who receives reimbursement for a meal under paragraph (c)(3) shall be paid at the applicable per-meal allowance rate established in accordance with K.S.A. 75-3207a, and amendments thereto.

(d) Lodging expense limitations; general provisions.

(1) Reimbursement for lodging, or direct payment of lodging expenses to the lodging establishment, shall be made on the basis of actual, single-rate lodging expenses incurred and shall be supported by the original official receipt of the lodging place or other suitable documentation. Subject to applicable lodging expense limitations established in accordance with K.S.A. 75-3207a and amendments thereto, reimbursement for lodging expenses, or direct payment of lodging expenses to the lodging establishment, shall be limited to the lodging place's lowest available rate for normal single occupancy on the day or days the lodging expense was incurred.

(2) Taxes associated with lodging expenses shall not be included in the applicable lodging expense limitation rates established in accordance with K.S.A. 75-3207a, and amendments thereto, and shall be paid as an additional reimbursement.

(e) Lodging expense limitations; exception. Specific exceptions to the applicable dollar limitation on lodging expenses may be made as pro-



vided in K.S.A. 75-3207a, and amendments thereto.

This regulation shall be effective on and after July 1, 2010. (Authorized by and implementing K.S.A. 2008 Supp. 75-3207 and 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended July 1, 1990; amended, T-1-8-14-90, May 1, 1990; amended Oct. 8, 1990; amended, T-1-9-26-91, Oct. 1, 1991; amended Nov. 18, 1991; amended, T-1-1-1-93, Jan. 1, 1993; amended Feb. 22, 1993; amended, T-1-6-28-95, July 1, 1995; amended Oct. 27, 1995; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997; amended July 1, 1998; amended July 1, 1999; amended Feb. 15, 2002; amended July 1, 2010.)

**1-16-18a. Designated high-cost geographic areas.** (a) For official travel to and from, or within, any designated high-cost geographic area identified in subsection (c) in which the traveler is required to sleep away from home, the applicable subsistence allowance rate for that designated high-cost geographic area may be paid. However, reimbursement on this basis shall not be allowable if the area is only an intermediate stopover at which no official duty is performed or if the subsistence expenses incurred relate to relocation, to travel to seek residence quarters, or to travel to report to a new permanent duty station or to temporary quarters.

(b) Reimbursement for travel in designated high-cost geographic areas shall be at the prescribed designated high-cost geographic area rate, unless the agency establishes a reduced rate as provided in K.A.R. 1-16-15. If an out-of-state trip is to two or more destination cities and one of these cities is a designated high-cost geographic area, the subsistence allowance rate shall change from the designated high-cost geographic area rate to the regular rate, or from the regular rate to the designated high-cost geographic area rate, subject to and on application of the appropriate meals allowance as determined by the time of arrival at the second destination city.

(c) The boundaries of designated high-cost geographic areas shall include all locations within

the corporate limits of the cities listed, unless otherwise specified. The designated high-cost geographic areas shall be as follows:

(I) Out-of-state, designated high-cost geographic areas:

(A) Afton, Oklahoma, including Shangri-La Resort;

(B) Anchorage, Alaska;

(C) Aspen, Colorado, including all locations within Pitkin County;

(D) Atlanta, Georgia;

(E) Atlantic City, New Jersey, including all locations within Atlantic County;

(F) Austin, Texas;

(G) Avon and Beaver Creek, Colorado;

(H) Baltimore, Maryland;

(I) Barrow, Alaska;

(J) Boca Raton, Florida;

(K) Boston, Massachusetts, including all locations within Suffolk County;

(L) Cambridge, Massachusetts;

(M) Carmel, California;

(N) Chicago, Illinois, including all locations within Du Page, Lake, and Cook Counties;

(O) Cleveland, Ohio;

(P) Dallas/Fort Worth, Texas;

(Q) Denver, Colorado;

(R) Edison, New Jersey, including all locations within Middlesex County;

(S) Fairbanks, Alaska;

(T) Fort Myers and Sanibel Island, Florida, including all locations within Lee County;

(U) Hershey, Pennsylvania;

(V) Hilton Head Island, South Carolina, including all locations within Beaufort County;

(W) Honolulu, Oahu, Hawaii, including all locations on the Island of Oahu;

(X) Houston, Texas;

(Y) Indianapolis, Indiana;

(Z) Juneau, Alaska;

(AA) Kaanapali Beach, Maui, Hawaii;

(BB) Kailau-Kona, Hawaii;

(CC) Kaunakakai, Molokai, Hawaii;

(DD) Keystone, Colorado, including all locations within Summitt County;

(EE) King of Prussia, Pennsylvania;

(FF) Kodiak, Alaska;

(GG) Lake Buena Vista, Florida;

(HH) Las Vegas, Nevada;

(II) Los Angeles, California, including all locations within Los Angeles, Kern, Orange, and Ventura Counties;

(JJ) Miami, Florida;

(KK) Minneapolis and St. Paul, Minnesota, including all locations within Hennepin, Ramsey, and Anoka Counties;

(LL) Monterey, California, including all locations within Monterey County;

(MM) Morristown, New Jersey;

(NN) Nashville, Tennessee;

(OO) Newark, New Jersey, including all locations within Bergen, Essex, Hudson, Passaic, and Union Counties;

(PP) New Orleans, Louisiana, including all locations within Jefferson, Orleans, Plaquemines, and St. Bernard Parishes;

(QQ) Newport, Rhode Island, including all locations within Newport County;

(RR) Nome, Alaska;

(SS) Oakland, California, including all locations within Alameda, Contra Costa, and Marin Counties;

(TT) Ocean City, Maryland, including all locations within Worcester County;

(UU) Philadelphia, Pennsylvania, including all locations within Montgomery and Philadelphia Counties;

(VV) Phoenix, Arizona;

(WW) Pittsburgh, Pennsylvania;

(XX) Portland, Oregon;

(YY) Princeton, New Jersey, including all locations within Mercer County;

(ZZ) Salt Lake City, Utah;

(AAA) San Antonio, Texas;

(BBB) San Diego, California, including all locations within San Diego County;

(CCC) San Francisco, California, including all locations within San Francisco County;

(DDD) San Jose, California, including all locations within Santa Clara County;

(EEE) San Mateo, California, including all locations within San Mateo County;

(FFF) Santa Barbara, California, including all locations within Santa Barbara County;

(GGG) Santa Cruz, California, including all locations within Santa Cruz County;

(HHH) Seattle, Washington, including all locations within King County;

(III) South Padre Island, Texas;

(JJJ) Stamford, Connecticut;

(KKK) St. Louis, Missouri;

(LLL) Sun Valley, Idaho, including all locations within Blaine County;

(MMM) Tampa, Florida;

(NNN) Tom's River, New Jersey, including all locations within Ocean County;

(OOO) Tucson, Arizona;

(PPP) Vail, Colorado, including all locations within Eagle County;

(QQQ) Wailea, Maui, Hawaii;

(RRR) White Plains, New York, including all locations within Westchester County; and

(SSS) all areas approved as designated high-cost geographic areas pursuant to subsection (d); and

(2) out-of-state, special designated high-cost geographic areas:

(A) Washington, D.C., including the cities of Alexandria, Fairfax, and Falls Church; the counties of Arlington, Fairfax, and Loudoun in Virginia; and the counties of Montgomery and Prince Georges in Maryland; and

(B) New York, New York, including all locations within the counties of Nassau and Suffolk.

(d) State agencies may request the director of accounts and reports to conduct a study of subsistence costs in any area not identified as a designated high-cost geographic area in subsection (c). The director of accounts and reports may recommend to the secretary of administration that an area be added to the list of designated high-cost geographic areas if the study findings of the area justify this action. If the secretary approves the addition of that area, subsistence payments for travel to the area may be made at the rate for designated high-cost geographic areas.

(e)(1) If an employee is required or authorized to attend a conference, the agency head or the agency head's designee may approve reimbursement or direct payment of actual lodging expenses. Before the date of travel, the employee shall submit to the agency head or the agency head's designee conference materials indicating that the conference will be held at or in connection with a lodging establishment with rates exceeding both the applicable lodging expense limitation established under K.A.R. 1-16-18 and the exception provided in K.S.A. 75-3207a, and amendments thereto.

(2) The reimbursement or direct payment of actual lodging expenses shall be effective for the approved conference and for official state business related to the conference and shall be applicable only to the state employee attending the conference.

(3) For purposes of this subsection, the term "conference" shall mean any seminar, association meeting, clinic, colloquium, convention, symposium, or similar gathering that is attended by a state employee in pursuit of a goal, obligation,

function, or duty imposed upon a state agency or performed on behalf of a state agency.

This regulation shall be effective on and after July 1, 2010. (Authorized by and implementing K.S.A. 2008 Supp. 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended July 1, 1990; amended, T-1-1-1-93, Jan. 1, 1993; amended Feb. 22, 1993; amended April 1, 1996; amended July 1, 1998; amended July 1, 1999; amended July 1, 2010.)

**1-16-20. Miscellaneous expense definition.** Miscellaneous expense shall mean any expense deemed necessary in the conduct of the official business of the state that is not included in the categories of subsistence allowance, mileage, or fares in lieu of mileage and state-owned vehicle operation. All miscellaneous expenses shall be claimed as "miscellaneous nonsubsistence expense" on the travel reimbursement form as prescribed by the director of accounts and reports and shall include items listed under subsections (b) through (g).

(a) Receipts. A receipt evidencing a payment shall be obtained for each transaction involving miscellaneous expenditures, except taxi fares, telephone calls, telegrams, and intracity streetcar, bus fares, and limousine service.

(b) Baggage. Charges for baggage in excess of the weight or size carried free by transportation companies shall be allowed if the excess baggage is used for official business. Charges for the storage of baggage may also be allowed if it is shown that the storage was due to official business. Specific justification shall be submitted with the travel reimbursement form, as prescribed by the director of accounts and reports.

(c) Telephone and facsimile messages. Expenses for official telephone and facsimile messages that must be paid for by the traveler shall be allowed. Toll and local calls and facsimiles shall be supported by documentation submitted with the travel reimbursement form as prescribed by the director of accounts and reports, showing the date, the city or town called or faxed, the name of the person or firm called or the place to which the fax was sent, and the cost of each call or fax.

(d) Stenographic services. Charges for official stenographic services shall be allowed while on official travel.

(e) Purchase of supplies. The purchase of stationery and all other similar supplies shall be allowed in emergencies warranting the use for handling official business while on official travel.

(f) Transportation by common carrier or special conveyance. The cost of common or special conveyance transportation tickets shall be considered a miscellaneous expense.

(g) Taxicabs. Taxicab charges shall be claimed for reimbursement as miscellaneous expenses. Both points of origin and destination for each such fare shall be shown on a travel reimbursement form, as prescribed by the director of accounts and reports.

This regulation shall be effective on and after July 1, 2010. (Authorized by and implementing K.S.A. 2008 Supp. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended July 1, 2010.)

## Article 65.—ENERGY STAR PRODUCTS AND EQUIPMENT

**1-65-1. Purchase of energy star products and equipment.** (a) Subject to the provisions of K.S.A. 75-3737a through K.S.A. 75-3744, K.S.A. 75-37,102, and K.S.A. 75-4713 and amendments thereto, each state agency shall acquire products and equipment that bear the energy star label pursuant to K.S.A. 75-37,127, and amendments thereto.

(b) In order to determine the projected cost savings for the useful life of an energy star product, each state agency shall utilize the United States environmental protection agency's energy savings calculator for the energy star product.

(c) If the United States environmental protection agency has not produced an energy savings calculator for a specific energy star product, then the projected cost savings for the useful life of the energy star product shall be based on a comparison of the following:

(1) The initial cost of the energy star product plus the estimated lifetime operating cost of the energy star product; and

(2) the initial cost of a functionally equivalent product plus the estimated lifetime operating cost of the functionally equivalent product.

(d) This regulation shall apply only to the purchase of new, unused energy star products and

equipment. (Authorized by and implementing K.S.A. 2009 Supp. 75-37,127; effective Feb. 4, 2011.)

**Article 66.—ENERGY AUDITS FOR REAL PROPERTY**

**1-66-1. Definitions.** For purposes of this article, each of the following terms shall have the meaning specified in this regulation:

(a) “Agency head” means an individual or body of individuals in which the ultimate legal authority of a state agency is vested by any provision of law.

(b) “Division” means the division of facilities management within the Kansas department of administration.

(c) “Energy audit” means the utilization of a building energy-use benchmarking system, including the energy star portfolio manager, that generates a written report that details the conversion of a building’s energy consumption data into energy-intensity metrics for the purpose of comparing the energy use of a building to the national average energy use of similar buildings.

(d) “Energy consumption data” means the monthly amount of energy consumed in the preceding 12-month period as recorded by a utility distributing and selling energy or water services for a particular building.

(e) “Energy-intensity metrics” means the measurement of weather variations and changes in the physical and operating characteristics of each building.

(f) “Energy star portfolio manager” means an online energy management tool created by the United States environmental protection agency that uses an algorithmic formula for tracking and assessing energy and water consumption across a portfolio of buildings. The energy star portfolio manager can be accessed through the division’s web site.

(g)(1) “Excessive amount of energy,” when applied to a building subject to an energy audit, shall be determined by comparing the building’s site and source energy-intensity metrics, annualized to a 12-month period, to the national average site and source energy-intensity metrics of similar buildings.

(2) If the site and source energy-intensity metrics of the building subject to an energy audit are greater than the national average site and source energy-intensity metrics, then the building shall be deemed to use an excessive amount of energy.

(h) “Secretary” means the secretary of the Kansas department of administration.

(i) “State agency” has the meaning specified in K.S.A. 75-3701, and amendments thereto. (Authorized by and implementing K.S.A. 2009 Supp. 75-37,128; effective Feb. 4, 2011.)

**1-66-2. Energy audit required for each state-owned building.**

(a) If a state agency owns real property, the agency head, or that person’s designee, shall conduct an energy audit of each building on that real property and submit the written report to the division.

(b) An energy audit shall be conducted every five years for each building specified in subsection (a).

(c) If a state agency owns four buildings or less, the written reports for the first energy audits for all of the buildings shall be submitted no later than July 1, 2011.

(d) If a state agency owns five or more buildings, an energy audit for at least one-fifth of all of those buildings shall be conducted each year. The written reports for the first energy audits shall be submitted no later than July 1, 2011.

(e) Each state agency conducting an energy audit shall identify each state-owned building in which an excessive amount of energy is being used, pursuant to K.S.A. 75-37,128 and amendments thereto. (Authorized by and implementing K.S.A. 2009 Supp. 75-37,128; effective Feb. 4, 2011.)

**1-66-3. Energy audit required for new lease, or lease renewal or extension, of non-state-owned real property.**

(a) Each new lease, or lease renewal or extension, for non-state-owned real property submitted by an agency head to the division for approval shall include the written report for an energy audit conducted by the owner or lessor of each building on that real property that is the subject of the new lease, or lease renewal or extension.

(b) Subject to the provisions of K.S.A. 75-3739 and amendments thereto, a new lease, or lease renewal or extension, may be approved if either of the following conditions is met:

(1) The written report for the energy audit indicates that the leased space does not use an excessive amount of energy.

(2) The written report for the energy audit indicates that the leased space uses an excessive amount of energy, and the new lease, or lease renewal or extension, requires the owner or lessor



to implement cost-effective energy conservation measures that are approved by the secretary to reduce or eliminate the excessive amount of energy. (Authorized by and implementing K.S.A. 2009 Supp. 75-37,128; effective Feb. 4, 2011.)

**Article 67.—ENERGY EFFICIENCY PERFORMANCE STANDARDS FOR STATE-OWNED BUILDINGS**

**1-67-1. Definitions.** For purposes of this article, each of the following terms shall have the meaning specified in this regulation:

(a) “Agency architect” has the meaning specified in K.S.A. 75-1254(a)(3), and amendments thereto.

(b) “Agency engineer” has the meaning specified in K.S.A. 75-1254(a)(3), and amendments thereto.

(c) “ASHRAE” has the meaning specified in K.S.A. 75-37,126, and amendments thereto.

(d) “Design development” means drawings and other documents that describe the size and character of a project’s architectural, structural, mechanical, and electrical systems.

(e) “IECC” has the meaning specified in K.S.A. 75-37,126, and amendments thereto.

(f) “New construction” has the meaning specified in K.S.A. 75-37,126, and amendments thereto.

(g) “Project architect” has the meaning specified in K.S.A. 75-1251, and amendments thereto.

(h) “Project engineer” has the meaning specified in K.S.A. 75-1251, and amendments thereto. (Authorized by and implementing K.S.A. 2009 Supp. 75-37,129a; effective Feb. 4, 2011.)

**1-67-2. Energy efficiency performance standards for new construction.** (a) Subject to the provisions of K.S.A. 75-1250 through K.S.A. 75-1267 and K.S.A. 75-3784 and amendments thereto, each agency architect, agency engineer, project architect, or project engineer shall comply with ASHRAE or IECC at the time of submission of the design development for new construction.

(b) If an agency architect, agency engineer, project architect, or project engineer seeks to comply with a functionally equivalent standard other than ASHRAE or IECC at the time of submission of the design development for new construction, the agency architect, agency engineer, project architect, or project engineer shall submit a report verifying life-cycle cost-effective compliance for the new construction. The report shall be submitted

to the department of administration, division of facilities management. (Authorized by and implementing K.S.A. 2009 Supp. 75-37,129a; effective Feb. 4, 2011.)

**1-67-3. Energy efficiency performance standards for renovated, retrofitted, or repaired buildings.** (a) Subject to the provisions of K.S.A. 75-1250 through K.S.A. 75-1267 and K.S.A. 75-3784 and amendments thereto, each agency architect, agency engineer, project architect, or project engineer shall, to the extent possible, comply with ASHRAE or IECC at the time of submission of the design development for the renovation, retrofit, or repair of each state-owned building.

(b) If an agency architect, agency engineer, project architect, or project engineer seeks to comply with a functionally equivalent standard other than ASHRAE or IECC at the time of submission of the design development for the renovation, retrofit, or repair of each state-owned building, the agency architect, agency engineer, project architect, or project engineer shall submit a report verifying life-cycle cost-effective compliance for the renovation, retrofit, or repair of each state-owned building. The report shall be submitted to the department of administration, division of facilities management. (Authorized by and implementing K.S.A. 2009 Supp. 75-37,129a; effective Feb. 4, 2011.)

**Article 68.—AVERAGE FUEL ECONOMY STANDARDS FOR STATE-OWNED MOTOR VEHICLES**

**1-68-1. Definitions.** For purposes of this article, each of the following terms shall have the meaning specified in this regulation:

(a) “Average fuel economy” shall have the meaning assigned to that term in 40 C.F.R. 600.002-85(a)(14), as in effect on July 1, 2007, which is hereby adopted by reference.

(b)(1) “Life-cycle cost-effective,” when used to describe a motor vehicle that is being compared to another motor vehicle, shall mean the motor vehicle with a lower life-cycle cost, as determined according to this subsection.

(2) To determine the life-cycle cost of each motor vehicle, the following formula shall be used: (Average annual fuel cost of the motor vehicle x 6.67) + purchase price of the motor vehicle.

The multiplier 6.67 reflects 100,000 miles divided by 15,000 miles per year.

(3) If the motor vehicles being compared have identical life-cycle costs as computed in accordance with this subsection, then these motor vehicles shall be deemed to be equally life-cycle cost-effective.

(c) “Motor vehicle” shall have the meaning assigned to “automobile” in 40 C.F.R. 600.002-85(a)(4), as in effect on July 1, 2007, which is hereby adopted by reference. As used in that federal regulation, “secretary” shall mean the U.S. secretary of transportation or that person’s authorized representative.

(d) “State agency” has the meaning specified in K.S.A. 75-3701, and amendments thereto. (Authorized by and implementing K.S.A. 2009 Supp. 75-4618; effective Feb. 4, 2011.)

**1-68-2. Purchase of a new motor vehicle during fiscal year 2011.** (a) Each state agency that seeks to purchase a new motor vehicle during fiscal year 2011 shall be subject to the provisions

of K.S.A. 75-3739 through K.S.A. 75-3740a, K.S.A. 75-37,102, and K.S.A. 75-4618 and amendments thereto.

(b) Each state agency that seeks to purchase a new motor vehicle without complying with subsection (a) shall meet the following requirements before the purchase of the new motor vehicle:

(1) Submit a written motor vehicle purchase request to the department of administration, division of budget, on a form authorized by the division of budget; and

(2) obtain approval to purchase the new motor vehicle from the department of administration, division of budget.

(c) The director of the division of purchases in the department of administration shall obtain the average fuel economy for each motor vehicle on contract and ensure that each motor vehicle purchased as specified in subsection (a) is life-cycle cost-effective. (Authorized by and implementing K.S.A. 2009 Supp. 75-4618; effective Feb. 4, 2011.)